

IN THE SPECIFICATION:

Please delete lines 2 and 3 on page 1, all of page 3 and paragraph 3 on page 10 in the specification without prejudice or disclaimer.

Please amend page 2 beginning with line 14 as follows:

F 7  
370,147 (Petronio) discloses a toothbrush holder [having a] in the shape of a [horizontal] torso having a front and rear portion. The [torso] front portion includes a recess extending therethrough, wherein a brush handle can be inserted. Further included, extending from the front portion, is a pair of feet [extending from and formed to the front portion, the feet] which are separate and unattached from one another. A tail section extends from the rear portion. [of the torso, the front portion of the torso further includes a recess extending therethrough.] While these units may be suitable for the particular purpose to which they address, they would not be suitable for the purposes of the present invention as heretofore described.

Please amend the forth object on page 4 as follows:

F 8  
A forth object is to provide a toothbrush assembly, in which the stand is a pair of feet which are positioned together to form a [solid] continuous bottom supporting surface and a single heel [surface] portion, wherein the single heel [surface] portion includes a recess for selectively receiving the second end of the toothbrush handle therein.

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Please amend the fifth and sixth objects on page 5 as follows:

F9 A fifth object is to provide a toothbrush assembly, in which a base is connected to the bottom side of the foot stand for providing additional stability to the foot stand. [and brush.]

A sixth object is to provide a toothbrush assembly, in which the [foot stand is formed to the second end of the toothbrush handle, wherein the front portion of the feet extend in the same direction as the bristle head, and the back or heel portion of the feet is substantially flush with the second side of the handle opposite the first side.] base includes a recess extending therethrough and in alignment with the recess in the foot stand for additionally receiving the second end of the toothbrush handle therein, for providing additional stability to the foot stand and brush handle.

Please amend the forth paragraph on page 8 as follows:

F18 FIGURE 3 is a front perspective view similar to Figure 2 broken away, showing a base for the stand. [being just the feet formed onto the second end of the handle in a modification.]

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Please amend page 9 of the specification as follows:

With regard to FIGURES 1 and 2, the embodiment of the invention drawn shows an elongated toothbrush handle 1 having a first end 2 [and] a second end 3 and a first and second side. A bristle head 4 is positioned on the first side of first end 2. [of handle 1.] A stand 5 is in the shape of first and second feet 6a and 6b. Each first and second feet 6a and 6b, are elongated to define a toe end and together a common heel end. First and second feet 6a and 6b are joined together and positioned together to form a [solid] continuous bottom supporting surface. The heel end of each first and second feet 6a and 6b, is positioned together to form a single heel [surface] portion 7. Single heel [surface] portion 7 includes a recess 8 extending through [the] a top side thereof and towards [the] a sole thereof for selectively receiving second end 3 of handle 1 [and] therein, thereby retaining handle 1 in a vertical position when stand 5 is placed on a horizontal surface. First and second feet 6a and 6b each include a side surface, the side surfaces intersect one another in a common plane. The [front] toe end of each first and second feet 6a and 6b [extend] extends in the same direction as bristle head 4. The heel [or back] end of each first and second feet 6a and 6b is substantially flush with the second side of handle 1. [opposite the first side.]

If desired, a base 9 could be connected to [the] a bottom side of stand 5 as shown in [FIGURES] FIGURE 3. In FIGURES 4 and 5, [which] base 9 includes a recess 10 extending therethrough and in alignment with recess 8 in stand 5 for additionally receiving second end 3 of handle 1 therein, to provide additional stability to handle 1 and stand 5.



On page 10 second paragraph line 1, please add the number 15 after the word head.

Please amend the Abstract of the Disclosure as follows:

712 A toothbrush assembly comprising a toothbrush having a first and second end, and a bristle head being positioned on the first side of the first end. A stand in the shape of a pair of feet retains the brush in a vertical position when the stand is placed on a horizontal surface. For additional support, a base may be incorporated with the stand. In preferred form, the handle is in the shape of an animate object conforming with the shape of the foot stand. A cover is provided having the shape of a head conforming with the shape of the handle and foot stand, for selectively covering the bristle head.

#### REMARKS

Claims 46-59 and 61-65 are pending in the application. In response to this Office Action claims 54-58 have been canceled and claims 46-50, 53, 59, 61, 63 and 64 have been amended.

#### Rejection of Claims 46-53 and 55 under 35 USC 112, second paragraph

Claims 46-53 and 55 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.